UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/24
11 February 1993

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda items 8 and 9

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted jointly by the Women's International League for Peace and Freedom and the Union of Arab Jurists, non-governmental organizations in consultative status (category II) and the Indian Council of South America, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 December 1992]

Promotion of the right of free self-determination of peoples

1. For more than 30 years the world has been contemplating with a certain indifference the economic, commercial and financial blockade imposed by the United States of America on the Republic of Cuba. In the course of these three decades, the blockade has become an international problem for the third world, one which concerns all of us, and particularly the peoples and nations of the American continent. For that reason the international community ought not, in peacetime and after the political changes that have occurred in the world, let a Power seek to impose its will on the Government of a small country, humiliating its people and condemning them to a state of dire need, in violation of the elementary principles of international law and in disregard of the provisions of the Universal Declaration of Human Rights.

2. Against a background of international relations marked by tension and conflict in different parts of the world and by such a gloomy outlook for the peoples of developing countries, certain events have recently occurred which offer some hope of a just and equitable solution to the problem of Cuba's isolation. Thus the most advanced sectors of international public opinion welcomed with satisfaction resolution 47/19 adopted by the United Nations General Assembly on 18 November 1992, in which it calls upon all States to refrain from promulgating and applying laws and measures whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction and the freedom of international trade and navigation, measures which are incompatible with the Charter of the United Nations and international law. The implementation of that resolution will undoubtedly mark a turning-point in the settlement of one of the most controversial disputes of our time.

3. This is not the first time that the United Nations has given particular attention to non-interference in the internal affairs of States, whether large or small. In resolution 44/215, dated 22 December 1989, the General Assembly deplored economic measures as a means of exerting, directly or indirectly, political and economic coercion on the sovereign decisions of developing countries, and accordingly called upon the developed countries to refrain from exercising political coercion through the application of economic instruments with the purpose of inducing changes in the economic or social systems of those countries.

4. It is also worth remembering that the United Nations General Assembly, in resolution 44/217 of 22 December 1989, unreservedly condemned, as contrary to the principles of modern international law, the use of economic pressure by a country, in particular financial and trade embargo measures, by means of coercion and the use of force with aggressive implications intended to impose changes in the internal and external policy of another country.

5. In addition, over 20 years ago, General Assembly resolution 2625 (XXV), adopted on 24 October 1970, reaffirmed the sovereign equality of States, by virtue of which no State may apply or encourage the use of measures of an economic, political or any other nature to coerce another State in order to induce it to subordinate the exercise of its sovereign rights and obtain from it advantages of any kind that go against its national interests.

6. In the light of this succession of resolutions and recommendations adopted by the highest organ of the United Nations, we are concerned to note how far the economic, commercial and financial blockade imposed by the Government of the United States of America on the Republic of Cuba for the past 32 years in practice violates the principles of the Charter of the United Nations, the rules of international law, particularly the provisions of the General Agreement on Tariffs and Trade (GATT), and the Charter of Economic Rights and Duties of States and that it accordingly constitutes a serious infringement of the inalienable imprescriptible and indivisible right to political and social self-determination of peoples and nations - the fundamental principle of the rule of law - by virtue of which every people, large or small, is entitled to determine its economic and social system and its political and legal institutions, that is, to decide its own destiny freely.

7. Running counter to all these unquestionable legal instruments and the universally recognized rules we have just cited, the total blockade of Cuba is an inhuman act, whose perverse effects are reflected in the enormous difficulties encountered by that Caribbean country, particularly in the shortage and lack of medicines, power resources, raw materials, spare parts and other basic requirements for the production of consumer goods and services, depriving the Cuban people of articles which are essential for their diet, health, education, etc.

8. It is still more regrettable and paradoxical to find that 500 years after the colonization of America, which led to a breakdown of the balance between man and nature, the clash of two civilizations and the imposition on the indigenous peoples of a regime of slavery without historical precedent, one Power, using its economic and military strength, should be continuing to try and impose on small and weak peoples its policy of domination, its mode of production and consumption, its market economy, and finally, its conception of democracy, by means of intimidation and blockade, to the detriment of their legitimate aspirations and national sovereignty.

9. At this point the blockade has been strengthened still further by the so-called Torricelli Amendment approved recently by the President of the United States of America. At a time when there is so much talk of an end to war, this measure has been adopted as an instrument of coercion and symbolizes the cold war, intolerance and intolerable interference in the internal affairs of other countries, violating the elementary principles of the Universal Declaration of Human Rights, offending a dignity of a people and disregarding the sovereignty of all Governments which aspire towards and are inspired by a new spirit of international cooperation capable of leading to the peaceful settlement of international disputes.

10. With the application of the Torricelli Amendment, the Government of the United States is affecting supplies to Cuba still more, by forbidding branches or subsidiaries of United States firms established in third countries to have dealings with Cuba and by putting pressure on foreign firms making products with components of United States origin not to sell such goods to Cuba, thus provoking the cancellation of commercial operations between Cuba and firms in third countries, which has caused considerable damage and prejudice to the island's economy. In short, the United States Government is seeking to make its relations with other countries in the world conditional on their letting their economic, commercial and financial ties be governed by the Torricelli Law, which, by reason of its extraterritorial nature, affects the sovereignty of other States.

11. Nevertheless, the most progressive part of world public opinion, and a by no means negligible part, is convinced that the blockade policy simply applied outright under the name of an "embargo", in that it imposes the law of "might is right" in international relations and in that it is an immoral act and an illegal, anti-democratic and anti-social measure, has no legal basis or moral justification in a world where there are no longer opposing blocs and where yesterday's enemies have become today's allies.

12. It is for all these reasons that the non-governmental organizations signing this document, which endorse the declaration contained in document E/CN.4/1992/NGO/12 on the realization of the right to development, urge the Commission on Human Rights to consider at its forty-ninth session the effects and repercussions of the blockade on the human rights of the Cuban people and adopt appropriate resolutions calling upon the Government of the United States of America to put an end to the unjust and prolonged blockade of the Republic of Cuba, to refrain from any military action with implications for the security and integrity of its territory and not to exercise pressure on or take reprisals against countries that maintain trade and cooperation ties of mutual interest with the Government of Cuba.